

UNITED STATES COURT OF APPEALS
SOUTHERN DISTRICT OF NEW YORK

-----X
MCDERMOTT & RADZIK, LLP.,

Plaintiff

07 Civ. 8220 (SHS)

-against-

**FIRST REQUEST FOR
PRODUCTION OF DOCUMENTS**

GRACE AHRENS, WILLIAM H. MARTOCCIA,
INC., and WHM, INC.

Defendants.

-----X

Defendants GRACE AHRENS, WILLIAM H. MARTOCCIA, INC., and WHM, INC., by their attorneys, ARONWALD & PYKETT, pursuant to Rule 33 of the Federal Rules of Civil Procedure and Local Rule 26.3 of the United States District Court of the Southern District of New York, for their first request for production of documents demands that the following documents be produced for discovery and inspection at the offices of ARONWALD & PYKETT, 81 Main Street, Suite 450, White Plains, New York 10601 on the 5th day of December, 2007 at 10:00 am:

1. Copies of all retainer agreements and correspondence pertaining thereto regarding or relating to any legal services performed by plaintiff for, or at the specific request of, defendants Grace Ahrens, William H. Martoccia, Inc., and WHM, INC.;

2. Copies of any communication, memoranda, notes, correspondence or other documents regarding or relating to any discussions or instructions received by plaintiff from defendants Grace Ahrens, William H. Martoccia, Inc., and WHM, INC., concerning work or legal services to be undertaken by plaintiff with regard to the litigation referred to in the Complaint;

3. Copies of any documents, including but not limited to pleadings, motions, discovery demands, notices o depositions, deposition transcripts, either prepared or reviewed by plaintiff in connection with the litigation referred to in the Complaint;

4. Copies of memoranda, correspondence or other documents or communications concerning settlement discussions in connection with the litigation referred to in the Complaint;

5. Copies of any document or communication by which plaintiff provided defendants with the estimate of the total fee for representing defendants as promised in the October 5, 2005

written agreement referred to in paragraph 9 of the Complaint ;

6. Copies of all invoices prepared by plaintiff and submitted to defendants for payment of the legal fees incurred in connection with the litigation referred to in the Complaint;

7. Copies of all checks which plaintiff claims represent payment by defendants for the legal services which form the basis for the allegations contained and set forth in the Complaint.

Dated: White Plains, New York
October 31, 2007

ARONWALD & PYKETT

Attorneys for Defendants Grace Ahrens,
William H. Martoccia, Inc., and WHM, INC.

By: /s/_____
WILLIAM I. ARONWALD (WIA-9327)
81 Main Street, Suite 450
White Plains, New York 10601
(914) 946-6565

TO: McDermott & Radzik, LLP
88 Pine Street, 21st Floor
New York, New York 10005
(212) 376-6400